

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1, 3-5, 7-13, 15, 17, 19-26 are pending in the application. Claims 16 and 18 have been cancelled without prejudice or disclaimer. The subject matter of claims 16 and 18 have been included in claims 15 and 1, respectively. The claims have been further amended to better define the claimed invention. New claims 24-26 have been added to provide Applicants with the scope of protection to which they are believed entitled. The amended/added claims find solid support in the original application, especially at page 6, lines 1-17 of the specification and Figs. 1, 3, 5-6 and 8-20. No new matter has been introduced through the foregoing amendments.

The Examiner's sustained rejections are traversed for the reasons presented in the last Amendment paper. In addition, Applicants respectfully disagree with the Examiner's explanation of the reasons for sustaining the rejections, as manifested in page 2 of the Final Office Action. For example, as to the independent claims, the cited portion of *Robles* (column 12 lines 60-62) provides absolutely no suggestion or motivation to bond the side flaps to the diaper in the claimed manner, i.e., at two distinct, transversely spaced positions and with a bonding-free zone in between.

Notwithstanding the above, Applicants have further amended the claims the specifically avoid the rejections, solely for the purpose of expediting prosecution. In particular, amended claim 1 now recites, among other things, that "each of the fasteners is disposed at a region of the side flap extending outwardly in the width direction away from the bonding-free region in which the side flap is free of direct attachment to the diaper body." This amendment finds support in at least page 6, lines 1-17 of the specification. Several advantages of diapers embodying the claimed invention are disclosed in page 10, lines 1-16 of the specification.

Robles et al. (U.S. Patent No. 6,004,306) do not disclose or teach the claimed arrangement of the fixing part and the joint part. *Robles et al.* (see Col. 6, lines 32-37) significantly differ from the arrangement of the claimed invention. As shown in Fig. 11 (see col. 23, lines 55-62), *Robles et al.* have to use a single piece extensible side panel 30 with a distinct boundary line C between the waist and thigh panels which have different elastic characteristics in order to provide a single piece

side flap which might appear to be similar to embodiments of the present invention. And, yet, such teaching of Robles fails to disclose or suggest the disposable diaper of the claimed invention with the unique claimed arrangement of the fixing part and joint part. Embodiments of the claimed invention are excellent in workability and productivity since the joint can be performed in a short period of time, and the work is easy.

Accordingly, Applicants respectfully submit that amended claim 1 is patentable over the applied art of record.

Claims 3-5, 7-13, 15, 17, 19-23 depend from claim 1 or otherwise include the same or similar limitations to those of claim 1, and are considered patentable at least for the reason advanced with respect to amended claim 1.

New independent claim 24 is patentable over the applied references at least because the references, especially *Robles*, do not fairly teach or suggest that “each of the fasteners is disposed such that the fastener is not co-elevational in the longitudinal direction with any portion of the joint part.” As can be seen in all figures of *Robles*, the fasteners are co-elevational with at least some portion of the of the joint part.

Claims 25-26 depend from claim 24, and are considered patentable at least for the reason advanced with respect to claim 24. The dependent claims are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

As to claim 25, the references, especially *Robles*, do not fairly teach or suggest that “each of the fasteners is disposed such that an entirety of the fastener is co-elevational in the longitudinal direction with the bonding-free region’s section that separates the first and second joint parts in the longitudinal direction.” Note, again all figures of *Robles*.

As to claim 26, the references, especially *Robles*, do not fairly teach or suggest that “each of the side flaps extends continuously and seamlessly in the longitudinal direction from the first joint part, across the bonding-free region’s section that separates the first and second joint parts, and to the second joint part, without being interrupted by any bonding line or edge of the side flap.” See, for example, *Robles* at line C in Fig. 11 and the edges of the folded side flap in other figures.


Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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